AN ORDINANCE introduced by Mayor Harry Felker relating to the extension of water service outside the city limits and establishing criteria therefore, amending City of Topeka Code § 146-37 and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 146-37, Water service to owner of real property outside city limits, is hereby amended to read as follows:

Water service to owner of real property outside city limits.

Requirements.

Before City of Topeka water service is provided to an owner of real property outside city limits, the owner shall, in accordance with K.S.A. 15-534 consent to annexation in writing will be conditioned on either annexation or consent to annexation of the area to be served as determined by the City of Topeka Public Works Director after review by the Planning Director. Further, before city water service is provided to an owner of real property outside city limits, the owner shall plat or cause to be platted the property to be served if any of the following conditions are present:

1. The property is undeveloped and adjacent to an existing water main; or
2. The property is undeveloped at the time the water main was installed; or
3. A water main will need to be extended in order to provide the requested service.

Exception.

An owner of real property outside the city limits may be exempt from the platting requirement set forth above provided the Planning Director and City of Topeka Public
Works Director find the following conditions exists:

(1) Land on which the principal structure is that of an existing detached single-family dwelling. That there are no other structures except permitted accessory structures, or uses for which water service is to be provided.

(2) As determined by the City of Topeka Public Works Department, adequate utility and drainage easements and/or street rights-of-way presently exist or can be secured by separate written instrument and recorded with the Shawnee County Register of Deeds for which the property owner consents.

(3) There is no existing or anticipated drainage problems related to the site or the development.

(4) Adequate public utilities and services otherwise service the site and the proposed development conforms to the dimensional requirements of the zoning district.

(5) The existing or proposed improvement is compliant with the current adopted Shawnee County Wastewater Management Plan, or variances as may be granted by the applicable governing body as provided by said plan.

Section 2. A request for water service by an owner of real property outside city limits which is exempt from the platting requirement shall be accompanied by a nonrefundable filing fee in an amount equal to the platting application fee plus $200.00.

Section 3. That City of Topeka Code § 146-37 is hereby specifically repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.
PASSED and APPROVED by the City Council

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 11/6/02 BY
TO BE CODIFIED
NOT TO BE CODIFIED